

REMARKS

Favorable reconsideration is respectfully requested.

Claims are 1 and 3 to 6.

The above amendment is responsive to points set forth in the Official Action.

By the above amendment, the lower limit of the amount of the soybean protein in the plastic mixture is revised from 12 to 18%. This amendment is supported by the disclosure on page 8, lines 3 to 7 of the specification.

The significance of this amendment will become further apparent from the remarks below.

With regard to the rejection under 35 U.S.C. § 112, the Examiner questions what components are present in the plastic mixture which are not covered by soybean protein (38%) and sugar in the form of a liquid (60%).

In reply, the materials in the presently recited plastic mixture which are not the soybean protein and sugar in the form of a liquid can be any material which does not materially alter the operation of the invention from the standpoint of operability or patentability.

This is because of the "consisting essentially of" format of the claims. See MPEP §2111.03 at page 2100-45, upper left hand column.

It is not necessary or even possible to describe or explain every substance which may be present in the plastic mixture, as long as it does not alter the operation of the invention, e.g. such as an additive which destroys the plasticity of the mixture or otherwise materially prevents operation of the invention.

Therefore, one of ordinary skill in the art could readily tell if he were infringing the claim.

In sum, claim 1 is definite to one of ordinary skill in the art.

With regard to the objection to the claims in Official Action paragraphs 5 and 6, the Examiner's helpful suggestion has been adopted.

Claims 1 and 3 to 6 have been rejected under 35 USC 103(a) as being unpatentable over Sugihara (JP05023094- English translation)

This rejection is respectfully traversed.

Sugihara et al. disclose that the amount of the soybean protein is 13.5%. However, by the above amendment, the lower limit of the amount of soybean protein in the plastic mixture in

claim 1 is now defined as 18%. See page 8, lines 3-7 of the specification regarding the beneficial use of at least 18%. This amount is well in excess of the 13.5% taught by Sugihara.

Therefore, Sugihara et al. neither teaches nor suggests the present claims.

For the foregoing reasons, it is apparent that the rejection on Sugihara et al. is untenable and should be withdrawn.

No further issues remaining, allowance of this application is respectfully requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact undersigned at the telephone number below.

Respectfully submitted,

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